



Entered on Docket
August 07, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF POST-
EFFECTIVE DATE USA CAPITAL
DIVERSIFIED TRUST DEED FUND,
LLC, TO PROOFS OF INTEREST**

Hearing Date: July 27, 2007
Hearing Time: 9:30 a.m.
Hearing Place: Courtroom 1

1 The Court, having considered the Third Omnibus Objection of Post-Effective Date USA
2 Capital Diversified Trust Deed Fund, LLC to Proofs of Interest (the "Objection"), Anne M.
3 Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective
4 Date USA Capital Diversified Trust Deed Fund, LLC; with no other appearances being noted on
5 the record; appropriate notice of the Objection having been given; and for good cause appearing:

6 **IT IS HEREBY ORDERED** that the Objection is sustained.

7 **IT IS FURTHER ORDERED** that the interests listed on Exhibit 1, attached hereto and
8 made a part hereof, shall be treated in accordance with the disposition detailed on Exhibit 1 with
9 respect to such interests.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **BECKLEY SINGLETON, CHTD.**

12 By /s/ Anne M. Loraditch

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - ☐ approved the form of this order; and/or
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- ☒ No parties filed any written opposition or appeared at the hearing regarding the Objection, and there is no trustee appointed in the case.

BECKLEY SINGLETON, CHARTERED

By: /s/ Anne M. Loraditch
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EXHIBIT 1

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
005	Robert Knight	951	09/25/06	\$135,938.86	\$130,629.97	Interest disallowed to the extent it exceeds \$130,629.97, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
192	David Knobel	13505	12/11/06	\$78,367.29	\$75,306.77	Interest disallowed to the extent it exceeds \$75,306.77, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
189	William McQuerry	16027/ 18671	12/06/06	\$655,584.00	\$96,094.64	Interest disallowed to the extent it exceeds \$96,094.64, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
180	Anthony and Alicia Pasqualotto	2079	11/15/06	\$25,000.00	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
115	Norman Kenneth Reed	13762	11/09/06	\$49,027.18	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
190	Michael H. Ricci	18138	12/08/06	\$100,000.00	\$96,094.65	Interest disallowed to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
191	Michael H. Ricci	11384	12/08/06	\$36,058.88	\$34,650.65	Interest disallowed to the extent it exceeds \$34,650.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
080	Alvin Rousseau	4638	10/26/06	\$24,708.00	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
018	Robert and/or Ruth Geiger	17071	11/10/06	\$50,000.00	\$26,461.76	Interest disallowed to the extent it exceeds \$26,461.76, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
033	Lucie E. Staislawski	17016	09/28/06	\$25,000.00	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
037	Clifford Wiehe, Jr.	9653	10/04/06	\$150,000.00	\$144,141.97	Interest disallowed to the extent it exceeds \$144,141.97, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
043	William T. Houston	11127	09/26/06	\$50,000.00	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
157	Stan C. Wolken	18171	11/13/06	\$25,116.41	\$24,135.53	Interest disallowed to the extent it exceeds \$24,135.53, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
150	Stan C. Wolken	16527	11/13/06	\$25,937.73	\$24,924.77	Interest disallowed to the extent it exceeds \$24,924.77, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
188	Loughlin Family Trust	No Record	11/7/06	\$1,055,000.00	None	Interest disallowed in its entirety, as Party is not reflected as having an equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

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